

CALIFORNIA BOARD OF OCCUPATIONAL THERAPY

INITIAL STATEMENT OF REASONS

Hearing Date: April 16, 2004

Subject Matter of Proposed Regulations: Continuing Competency Requirements

Sections Affected: Title 16, Division 39, California Code of Regulations, Sections 4160, 4161, 4162, and 4163.

SPECIFIC PURPOSE OF THE REGULATIONS:

On January 1, 2001, Senate Bill 1046 (Murray, Chapter 697, Statutes of 2000) took effect, establishing the Board whose duties are to license occupational therapists, certify occupational therapy assistants and regulate the occupational therapy profession, with consumer protection as its number one priority. Existing law sets the education, experience and examination requirements as a means of determining entry level competency for occupational therapy practitioners. Existing law also gives the Board authority to adopt, by regulation, continuing competency requirements as a condition of license renewal. The proposed regulatory actions are necessary to implement this legislation.

FACTUAL BASIS/NECESSITY:

Section 4160: Existing law gives the Board authority to establish rules regarding continuing competency requirements. Although practitioners are tested for entry-level competence before they can be licensed, the health care profession is one of constant change as research and technologies improve. One way of ensuring that health care professionals keep abreast of current practice is to require participation in activities and programs designed to enhance their knowledge, skills, and abilities. This proposed regulation would define "professional development" as activities or programs engaged in to increase knowledge, skills and abilities. It would also define Level II students as those students completing the fieldwork portion of an entry-level academic degree program, supervision of whom would be considered a professional development activity.

Section 4161: This proposed regulation would require occupational therapy practitioners, as a condition of license renewal, to demonstrate continuing competency by participating in professional development activities during the renewal period. It would specify what constitutes a professional development activity and would identify the types of professional development activities acceptable to the Board. It would identify the unit of measurement as a professional development unit (PDU) and would provide a formula for conversion of professional development activities, academic and continuing education units to PDUs. It would require the practitioner to obtain 12 PDUs during the renewal

period, six of which must be directly related to the delivery of occupational therapy services and would provide that the continued competency requirements would not apply to the first renewal period following initial licensure.

The Board recognizes that occupational therapy practitioners practice in diverse settings, offering a variety of services to assist clients throughout the life span in activities of daily living and restoring or enhancing independence. This proposed regulation is needed to provide direction for practitioners as they meet the continuing competency requirements while at the same time providing multiple settings in which to achieve compliance.

Section 4162: This proposed regulation would specify the type of information to be provided to the Board by the occupational therapy practitioner at the time of renewal, would require the practitioner to maintain records on professional development activities for a period of four years following the renewal period, would provide that a maximum of three (3) PDUs could be carried over to the next renewal period, and would specify that a practitioner unable to provide proof of having completed the continued competency requirements would be subject to citation and or administrative fine or other disciplinary action. The Board intends to audit compliance with continuing competency requirements. This proposed regulation is needed for administrative purposes because it informs practitioners of the records to be kept for auditing purposes.

Section 4163: This proposed regulation would provide that, at the time of renewal, the occupational therapy practitioner could request an exemption from meeting the continued competency requirements if, during the renewal period, the practitioner was in another country for one year or longer, engaged in military service for one year or longer, was mentally or physically incapacitated, or was caring for a mentally or physically incapacitated family member for one year or longer during the renewal period. This proposed regulation is needed to allow practitioners exemption from meeting continuing competency requirements when they can demonstrate good cause for being unable to meet them.

UNDERLYING DATA:

National Board for Certification in Occupational Therapy's Professional Development Requirements.

BUSINESS IMPACT:

These regulations will not have a significant adverse economic impact on business.

SPECIFIC TECHNOLOGIES OR EQUIPMENT

These regulations do not mandate the use of specific technologies or equipment.

CONSIDERATION OF ALTERNATIVES

No reasonable alternative to the regulations would be either more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed regulations.